

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Revision Petition - Ranga Reddy District – Revision Petition filed by Sri Kambalapalli Laxman Rao, S/o Balaiah R/o Hyderabad against the orders of MRO issued in proceedings No.C/447/2002 dt.29.01.2007 and confirmed by RDO East, Ranga Reddy District issued in Proceedings No.B1/2099/2008 dt.10.3.2008 regarding land in Sy.No.44/1,2 & 4, of Munaganur Village, Hayathnagar Mandal – Revision Petition Dismissed - Orders – Issued.

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REVENUE (ASN.V) DEPARTMENT

G.O.Ms.No. 1141

Dated: 28th October, 2009
Read the following:

- 1) Revision Petition dt.09-04-2008 filed by Sri K.Laxman Rao S/o Balaiah thorough RMP No.1207/2008, dt.13-06-2008.
- 2) Govt.Memo.No.32076/Asn.V(1)/2008-1, dt.12-09-2008
- 3) From the Collector, Ranga Reddy District Lr.No.E4/5469/2008, dated: 05-01-2009.

ORDER:

In the reference first read above, Sri K.Laxman Rao has filed a Revision Petition through his Counsel before the Government under Section 4-B of A.P. Assigned Lands(POT) Act ,1077 (Act 9/97), against the orders of MRO Hayathnagar in Proceedings No.C/447/2002, dt.29-01-2007 and orders of RDO issued in Proceedings No.B1/2099/2008, dt.10-03-2008. The Counsel for the Revision Petitioner has stated that the respondent cancelled the assignment made in favour of P.Achaiah, predecessor of the Revision Petitioner, in respect of the land in Sy.No.44/1 to an extent of Ac.5.20 gts., of Munuganoor Village, Hayathnagar Mandal, Ranga Reddy District allegedly resuming the said land into the custody of the Government as arbitrary, illegal, null & void, without jurisdiction, violative of principles of natural justice, and violative of Art.14, 21 & 300-A of Constitution of India.

2. The Counsel for the Revision Petitioner has also stated that an extent of Ac.12.00 gts., in Sy.No.44, of Munuganoor Village, was allotted by Government under Loani Rules and Paisal Patti was issued by sanctioning the Loani Patta in the year 1956. He has also stated that the name of Paranda Achaiah was recorded as Pattadar and subsequently Podi was conducted and Sy.No.44 was divided in to 5 parts and supplementary Ssethwar was issued in favour of Achaiah with Sy.No.44/2 to an extent of Ac.4.25 gts. and Sy.No.44/4 to an extent of 7.16 gts.

3. The Counsel for the Revision Petitioner has further stated that after death of Sri P.Achaiah the subject land was mutated in the name of Sri K.Chandraiah and issued Pattadar Passbook. Subsequent to the death of Sri K.Chandraiah his wife K.Laxmamma's name entered in revenue records, Smt. K.Laxmamma also died in the year 2004 without issue. He has also stated that the present Revision Petitioner K.Laxman Rao is the original brother of Late Kambalapalli Chandraiah, the petitioner made an application for mutation and the same is pending. In January, 2008, the respondents (MRO) interfered in subject land and informed that the original assignment granted in favour of Sri P.Achaiah was cancelled by the MRO in January, 2007.

(PTO)

4. On the Writ Petition filed by the petitioner, the Hon'ble High Court while disposing the W.P.No.575/2008 permitted the petitioner to file an appeal before RDO East. But the RDO, without calling the records, has disposed the appeal on 10-03-2008 enforcing the orders of MRO.

5. The Revision Petition was taken on file and issued status-quo orders and also issued instructions not to change the status of the land till the disposal of the Revision Petition vide memo No.32076/Assn.V(1)/2008-1, dated:12.09.2008. The connected Records and parawise remarks have been obtained from the Collector, Ranga Reddy District.

6. In the reference third read above, the Counsel for Rajiv Swagruha Corporation has impleaded in this Revision, as the land in question was allotted to Rajiv Swagruha Corporation.

7. Case called on 01-08-2009, Advocate for the petitioner present. The implead petitioner's advocate and Tahsildar, Hayathnagar also present.

8. Heard the arguments. Perused the lower Court records and written arguments filed by the Revision Petitioner and the implead petitioner.

9. On perusal of the records and the report of the Collector, Ranga Reddy District and after hearing the arguments, it is noticed that the Revision Petitioner herein has not availed opportunity before the Joint Collector, Ranga Reddy District, which is statutory and instead, the Revision Petitioner approached the Government.

10 In view of the circumstances of the case, as required under Section 4-A(2) of A.P.Assigned Lands (POT) Act 1977, the revision petition against the orders of RDO lies before the Joint Collector of Ranga Reddy District, which the revision petitioner has not availed and hence the revision petition is dismissed without going into the merits of the case. However, it is open to the revision petitioner to approach the Joint Collector, RR District if he so desires and the Joint Collector, Ranga Reddy District, shall admit the appeal and to pass appropriate orders as per Law. The status-quo orders issued in the reference 2nd read above are hereby vacated.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT

To

Sri Sri Kambalapalli Laxman Rao, S/o Balaiah

H/o 17-2-862, Madannapet, Hyd. through the Collector, Ranga Reddy District.

The Collector, Ranga Reddy District

The Tahsildar, Hayathnagar Mandal

Copy to:

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The Chairman & Managing Director, A.P.Rajiv Swagruha Corporation,

1-2-386, Bharath Scout & Guides Complex, Domalaguda, Himayathnagar Hyd.29
SF/SCs

// FORWARDED BY ORDER //

SECTION OFFICER